

REMARKS

Claims 1-14 are pending in the present application. Claims 1-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,876,684 (Withers) in view of *Nanoparticle formation by laser ablation*, J. Nanoparticle Research 2002; 4: 499-509 (Ullman). No amendments have been made. The listing of claims is solely for the convenience of the Examiner. Reconsideration of the present application is respectfully requested in light of the below remarks.

Claims 1-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Withers in view of Ullman. Applicants respectfully traverse this rejection.

Among the limitations of independent claims 1-3 and 8-10 that are neither taught nor suggested by the art of record is “flattening the surface of said graphite target.”

Withers discloses a method and apparatus for producing fullerenes, a form of carbon. The only portion of Withers cited by the Office Action teaches using a laser 72 to vaporize carbon particulates 74. *See* Withers, col. 8, ll. 29-35. This system is depicted in Figure 8 of Withers, which shows a laser beam 75 that is directed by a mirror 75 through a window 76 and into a container 73 which houses a source of carbon 74. As a result, vaporized carbon is produced, collected on the inner walls of the container and later separated. *See* Withers, col. 8, ll. 36-50.

In contrast to Withers, the present claims explicitly recite “flattening the surface of said graphite target.” The Office Action fails to point to any section of Withers that discloses “flattening.” Moreover, Applicants cannot locate any section of Withers that discloses “flattening.” Thus, Withers completely fails to teach or suggest “flattening the surface of said graphite target,” as recited in the independent claims.

Ullman was not added to cure the deficiency in Withers discussed above, but to show additional limitations such as rotating the carbon source which, even if it were to show, do not cure the deficiency in Withers. Thus, Applicant respectfully submits that the rejection of independent claims 1-3 and 8-10 under § 103(a) be withdrawn.

Claims 4-7 and 11-14 depend from and contain all the limitations of independent claims 1-3 and 8-10. These dependent claims recite additional limitations, which, in combination with the limitations of claims 1-3 and 8-10 are neither disclosed nor suggested by the cited references and are directed towards patentable subject matter. Thus, claims 4-7 and 11-14 should also be allowed.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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